

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 ) CASE NO. MJ 12-395  
Plaintiff, )  
 )  
v. ) DETENTION ORDER  
 )  
KEVIN S. O'LEARY )  
 )  
Defendant. )  
\_\_\_\_\_ )

Offense charged: Murder in Second Degree, on Indian Reservation

Date of Detention Hearing: July 23, 2012

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has basically confessed to committing the murder charged in this

01 case.

02       2.       He has prior convictions for manslaughter by vehicular homicide, and Theft in  
03 the 3rd degree.

04       3.       At the request of his counsel, defendant was not interviewed by this court's  
05 pretrial services officer.

06       4.       The court therefore has no information about his employment, drug or alcohol  
07 use, physical and mental health, residential status, familial ties or travel.

08       5.       He was convicted for "Attempt to Elude" in Anacortes in 1980, and failed to  
09 appear on a warrant on assault and battery in the last five years.

10       6.       Defendant and his counsel did not oppose entry of an order of detention.

11       7.       There do not appear to be any conditions or combination of conditions that will  
12 reasonably assure the defendant's danger to other persons or the community and his appearance  
13 at future Court hearings.

14 It is therefore ORDERED:

15       1.       Defendant shall be detained pending trial and committed to the custody of the  
16 Attorney General for confinement in a correction facility separate, to the extent practicable,  
17 from persons awaiting or serving sentences or being held in custody pending appeal;

18       2.       Defendant shall be afforded reasonable opportunity for private consultation with  
19 counsel;

20       3.       On order of the United States or on request of an attorney for the Government,  
21 the person in charge of the corrections facility in which defendant is confined shall deliver the  
22 defendant to a United States Marshal for the purpose of an appearance in connection with a

01 court proceeding; and

02 4. The Clerk shall direct copies of this Order to counsel for the United States, to  
03 counsel for the defendant, to the United States Marshal, and to the United States Pretrial  
04 Services Officer

05 DATED this 23rd day of July, 2012.

06 s/ John L. Weinberg  
07 United States Magistrate Judge  
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